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10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 **KUN SHAN PENG,**

14 Petitioner,

15 v.

16 **JAMES TILTON, Director of the California**
17 **Department of Corrections; BEN CURRY,**
18 **Warden,**

19 Respondent.

C 07-4797 MMC (PR)

**APPLICATION FOR EXTENSION
OF TIME TO FILE RESPONSE**

20 Pursuant to Civil L.R. 6-3 and Habeas L.R. 2254-6, respondent hereby requests a 60-day
21 extension of time until November 6, 2008, in which to file a response to the petition for writ of
22 habeas corpus. Good cause for the extension is set forth in the accompanying declaration of counsel.
23 We have not attempted to contact petitioner, who is an incarcerated state prisoner representing
24 himself in this case.

25 WHEREFORE, respondent respectfully requests that this Court grant an extension of time
26 to and including November 6, 2008, in which to file the answer or other responsive pleading.
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1 Dated: September 8, 2008

2 Respectfully submitted,

3 EDMUND G. BROWN JR.
Attorney General of the State of California

4 DANE R. GILLETTE
Chief Assistant Attorney General

5 GERALD A. ENGLER
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8
9 /s/ Arthur P. Beever
10 ARTHUR P. BEEVER
Deputy Attorney General
11 Attorneys for Respondent
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DECLARATION OF SERVICE BY U.S. MAIL

Case Name: **Kun Shan Peng v. James Tilton, Director of the California Department of Corrections; Ben Curry, Warden**

No.: **C 07-4797 MMC (PR)**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On September 8, 2008, I served the attached

APPLICATION FOR EXTENSION OF TIME TO FILE RESPONSE

DECLARATION OF COUNSEL IN SUPPORT OF APPLICATION FOR EXTENSION OF TIME TO FILE RESPONSE

ORDER GRANTING FIRST EXTENSION OF TIME TO FILE RESPONSE

by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004, addressed as follows:

Kun Shan Peng
H-52106
San Quentin State Prison
5N63L
San Quentin, CA 94974

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on September 8, 2008, at San Francisco, California.

M. Argarin

Declarant

/s/ M. Argarin

Signature